

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

-against-

95-CR-232

JESSE M. CARTER,

Defendant.

**THOMAS J. McAVOY,
Senior United States District Judge**

ORDER

Pursuant to the Mandate of the United States Court of Appeals for the Second Circuit in United States v. Carter, 04-2487-cr [dkt. # 1987], it is hereby

ORDERED that the defendant, Jesse M. Carter, shall, within forty-five (45) days of the date of this Order, file with the Court and serve upon the Government, a memorandum of law, not to exceed twenty-five pages (doubled spaced, 12 point font), setting forth his argument why this Court should consider his Notice of Appeal as a motion for an extension of time to file a notice of appeal. And, it is further

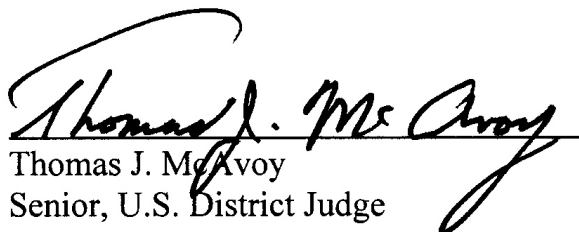
ORDERED that the Government shall have twenty-one (21) days to file an memorandum of law in opposition. The Government's twenty-one (21) day period shall run from the earliest of: (a) Defendant's submission of a response to this Order, or, (b) the expiration of Defendant's forty-five (45) day period to do so. And it is further

ORDERED that upon receipt of Defendant's papers or the expiration of Defendant's forty-

five (45) day period to submit papers, whichever shall occur earliest, the Clerk of the Court shall set this matter down on a regularly scheduled motion calendar. The motion shall be decided without oral argument.

IT IS SO ORDERED

DATED: January 27, 2006


Thomas J. McAvoy
Senior, U.S. District Judge